## WASHINGTON, D. C.

KANSAS AND THE LECOMPTON CONSTITU-SPEECH OF HON, I. WASHBURN, IR.,

Of Maine. IN THE HOUSE OF REPRESENTATIVES.

JANUARY 7, 1858. Mr. Chairman, I have nothing to say at this time about the neutrality laws or William Walker. I shall speak to-day of Kansas and the Lecompton Constitution. On the 30th day of May, A. D. 1854, the memorable act, entitled An act to organize the Territories of Nebraska and Kansas," was passed by the Congress of the United States. Among its provisions was the

following: "That the Constitution, and all laws of the United States which are not locally inapp icable, shall have the same force and effect within the said Territory of Kansasas elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6th, 1920, which being inconsistent with the principle of non-intervention by Congress with Shavery in the States and Territories, as recognised by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate Slavery into any Territory or State, nor to exclude it therefoom, but to leave the people thereof perfectly free to form and regulate their domestic institutions to their own way, subject only to the Constitution of the United States: Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of March 6th, 1850, either protecting, establishing, prohibiting, or abolishing Stavery."

This doctrine of non-intervention by Congress in respect to Slavery in the Territories—to its

in respect to Slavery in the Territories-to its inventor, (for it was a new thing under the sun,) the present Secretary of State, if not to the country, the direful spring of unnumbered woes-was founded upon the assumption, that with the people of the Territories resided the right to manage their own affairs, to regulate their social, domestic, and local concerns in their own way. It was asserted that this right had been practically conceded to them in reference to all local and domestic questions but one—that of Slavery. And it was maintained that the interpretation of Concess in respect to this vention of Congress in respect to this single question of Siavery was invidious, unjust, and unconstitutional, and ought to be terminated by a solemn declaration and abnegation by Congress; so that, hereafter, in all sections of the country, it should be distinctly understood that the people of the Territories are to be left "to form and regulate their domestic institutions" all of them-"in their own way;" that they should be as free to decide in reference to Slavery as other questions, and be governed by one and the same rule concerning all of them. T show that I have stated correctly the ground upon which this provision of the Kansas-Nebras ka act was advocated or defended by those who the speeches of leading Democrats, made in Congress while this measure was pending before that body; and I may properly commence with the distinguished chairman of the Committee on Territories in the Senate, the Senator from Illi-

on a previous occasion, spoke as follows: "The position that I have ever taken has been that this, (the Slavery question) and all other questions relating to the domestic affairs and domestic policy of the Territories, ought to be left to the decision of the people themselves; and that we ought to be content with whatever way they would cecide the question, because they have a much despet interest in these matters than we have and know much better what institutions suit them than we, who have never been there, can decide for them."

nois. Judge Douglas, repeating what he had said

The Secretary of State, Gen. Cass, then a Senator from Michigan, exultingly hailed the triump of "Squatter Sovereignty," when the Nebrask bill passed the Senate. He had previously made an elaborate speech in its favor, in which he la bored to prove that the people of the Territories as well as of the States, ought to be permitted to determine for themselves in regard to ALL their local institutions. He said:

"We know we cannot touch their domestic hearths "We know we caunot touch their domestic hearths, nor their domestic allars; their family and social relations; their wives nor their children; their men-servant nor their maid-servant; their houses, their farms, no their property, without a gross violation of the inalicable rights of most consecrated by the blood of our lathers, and nailowed by the affections of their sons."

The gentleman from Georgia, [Mr. Stephens,] it will be remembered, took an active and lead-

ing part in engineering this bill through the Liberty. e of Representatives. That you may unlaw, I will read a short passage from a speech which he made in this House on the 17th of

from the North, sand upon this great question of popular rights? Do you consider it Democratic to exercise the high perfogative of stifting the voice of the adventuroupioneer, and restricting his suffrage in a matter concerning his own interest, happiness, and government, which is made more capabile of deciding than you are? As for myself and the friends of the Neoraska bill, we think that our fellow-citizens who are to the feotiler, construit

tions upon which the friends of the Nebraska bill urged its adoption by Congress. There were supported the measure on different grounds; who repudiated and scouted the doctrine of popular vereignty, as advocated by the gentlemen from whose speeches I have quoted; but they wer efforts its success depended, although they may have been the parties who compelled its introdiction from any intelligent quarter, that the avowed purpose for which the Nebraska bill, in upon the statute book of the United States, was to assure to the people of the Territories the and ordinances, affecting their domestic inter ests and systems, of whatever character, as they allegation by additional testimony to the same effect with that which I have adduced, it could be found in more than fifty speeches, filling the columns of the Appendix to the Congressional Globe for the first session of the Thirty-third

Congress.

Such were the reasons assigned for the enact ment of this law, by its influential and efficient friends; and to those of their number who, b their subsequent action in attempting in goo faith to secure to the people the untrammele exercise of this right, prove that they were reall we may yield our respect, while we must con tinue to lament that they should have fallen into section of the bill which I have read was not, as the President would imply, in giving the people of the Territories of Kansas and Nebraska the power to vote on the question of Slavery, to de prive them of the opportunity to vote on other questions of domestic interest; but, that the right which it was assumed they already possessed, and had long enjoyed, to act on thes questions, should be extended to the question of Slavery. And from the premises of the Senator and Representatives upon whose labors the incorporation of this section into the Kansas-Nebrasks act in the main depended, an argument in its favor, of very considerable plausibility was founded; and the only argument that had any influence in reconciling the Northern Democracy to the abrogation of the Missouri Compromise.

Thus, I think, I have shown that if the men bers of Congress who voted for the Nebraska bill knew what they were about, the President i very much in error in asserting that its provision do not contemplate the same submission to the people of all questions of interest to them, that he says is required in respect to the Slavery

opponents of this act denied that the people of the Territorics possessed the absolute and exclusive right of legislation in regard to their domestic affairs. They did not yield the assent to the arguments to which I have refer red, for they did not understand that the peop of the Territories possessed any legislative powers as of unconditional right. They believed that Congress might, if it saw proper, make all the rules and regulations for the Territories of the United States, so long as they should remain Territories. So far as the question of constitutional power to legislate for these inchoate polit ical communities was concerned, they never oubted that it was vested in the Congress o the United States; and they knew that this opinion had never been questioned, from the foundation of the Government down to 1847; that it had been expressly affirmed and acted upon by all the departments of the Governmentby all Presidents, Cabinets, and Congresses-

overlook the fact now-and to it I beg to call Slaver, as well as other questions of iterest the particular attention of the House—that this opinion has recently been sustained by the same tribunal, in the most emphatic manner, in the celebrated case of Dred Scott vs. Sandford, in which it is expressly stated that Congress has general power to legislate for the Territories. So that, if there were no constitutional inhibition in reference to the exclusion of Slavery, its legislation in the passage of the Missouri Com-promise would have been rightful and valid. The Supreme Court agree with the Republicans in denying the doctrine of popular sovereignty in the Territories, as asserted by the ostensible authors and most active promoters of the Ne-braska act, and in affirming the power of Congress to make laws for the government of these ncipient States, in all cases and for all purposes except in so far as it is restrained by the Consti tution. That I do not err in this statement, appears from the following extract from the opin-ion of Chief Justice Taney, in the case of Scott

vs. Sandford.

"It is thus clear, from the whole opinion on this point, that the Court (in Insurance Company vs. Canter) did not mean to decide whether the power (to govern the Territories) was derived from the clause in the Constitution, or was the necessary consequence of the right to acquire. They do decide that the power in Congress is unquestionable, and in this we entirely concur, and nothing will be found in this opinion to the contrary. The power stands firmly on the latter alternative put by the Court—that is, as the inevitable consequence of the right to acquire territory."

So much for the Nicholson letter! So much for "squatter sovereignty!"

for "squatter sovereignty!"

It will be seen that the court fully agree with the Republicans in repudiating, root and branch, length and breadth, the dogma of popular sover-eignty, but differ from them in holding that the Constitution has forbidden the interference of Congress for the restriction of Slavery. Republicans, maintaining the existence of thi general power in Congress, insist that it extends o all proper subjects of legislation in the Terri tories-the question of Slavery included. And they agree with Senator Douglas and General Cass, that it has no more power over Slavery than it has over other questions of domest

policy and interest. But, Mr. Chairman, the Republicans hold that, al though the legislative power resides, and of neces sity must reside, in Congress, it may be committee by the latter, in whole or in part, into the hands o the people of the Territories; or, in other words that Congress may govern through the instrumentality of Territorial Legislatures, whose ac-tion, being subject to its approval or rejection, becomes, in effect, the action of that body. They also believe that it is wise and expedient to del egate to the people of the Territories the power to make, or rather to initiate, the laws and regulations in regard to such matters, systems, and institutions, as are purely local, and affect only themselves; but that there are subjects, not of a merely local character, which should be reserved for the exclusive legislation of Congress. Of such was the question of Slavery, or no Slavery, in Kansas, as it affected, not only the people of that Territory, but also of all the States, the in-terest and welfare, the peace and prosperity, of

It was a question in which the people of Maine and the people of Texas were interested. The people of Maine believe that their interests are affected unfavorably by any act which extends Slavery, and enlarges its power in the country and in Congress, gives to the Representatives of servile labor increased power to protect and promote the particular and special interests of thos who live upon such labor, at the expense, and it may be to the destruction, of free labor—of labor that owns itself, and claims the right to protect itself as vital and sacred. And so they said to their Representatives in 1820, and have said to them ever since, while in all matters affecting the people of the Territories alone, it will be wel for you to allow them to make their own laws, in those which concern not only them, but us also, reserve the power to yourselves and to us, whose agents you are, that our rights may be preserved and our interests protected. Grant not the power to the enemies of our institutions the Mormons, for example—to go on to our own territory, purchased by our blood or treasure, or both, and there establish schemes and systems of wrong and immorality and violence, discreditable to the age, and disgraceful to the country and which, if not checked, will undermine the

institutions of Christianity and civilization, which are the butments and defences of Republican to my support the opinion of one of the wisest men the Republic has ever known, and whose authority in a question of this character yields to that of no other name. I refer to James Madison, from whose writings I read thus:

"Every addition the States receive to their number of slaves, tends to weaken and render them less capable of self defence. In case of hostilities with foreign nations, they will be the means of inviting attack, instead of reselling invasion. It is a necessary duty of the General discrement to protect every part of their confines against dangers, as well internal as external. Everything, there fore, which tends to increase danger, though it be a local affair, yet, if it involves national expense or safety, becomes of concern to every part of the Union, and is a proper subject for the consideration of those charged with the general administration of the Government."

It required no extraordinary degree of foresight to predict what would follow the repeal of the Missouri Compromise. The slaveholding oligarchy might use popular sovereignty for a special purpose; but for them, as a principle of had discovered that their system of servile labor was one which required continual bracing and false and violent are, self-destructive. It must have scope and room for expansion, or it dies; have "fresh woods and pastures new," or it starves. It must be protected from without, and its defences and supports must be placed beyond the contingencies of public opinion, and out of the reach of ordinary assault; therefore, it must be guarded by constitutional sanctions. Hence the Dred Scott opinion—interpreted by President others, as containing the doctrine, as it undoubtedly does, that the Constitution of the United States affixes, in certain cases, to persons of African descent, the character of propertystamps them with the mark of chattels. If this be sound doctrine, it is plain that the Constitu tion carries Slavery, not only into the Territories. erty, no State law or Constitution can declar

shall not be property.
Sir, this is a monstrous doctrine; and that i is necessary to be maintained, only proves the mischievous and desperate character of the system for whose protection it is invoked. If it is the true doctrine, then was the Constitution ordained not to secure the "blessings of liberty" to the people of this country, upon them forever a system regarded, we have the early statesmen, as without foundation in natural right or sound policy; then must it be admitted that the great end and object of the Constitution was to establish or protect Slavery everywhere within the range of its operations. For if it recognises, and was intended to recog nise, property in slaves to such an extent that is not within the power of a State, (or Territory, by its laws, to forbid the existence of this rela tion within its own jurisdiction, it does, in rebeen understood to effect in respect to property in anything else-it makes a fundamental dis tinction between slave property and all other kinds of property. It has never been held that the Constitution gives to horses, oxen, carriages or anything else, the character of property, in the sense in which it is understood by the Presiden and by the Supreme Court to affix that character to negroes held to service. The legislative of a State or Territory may, without doubt, declare that there shall be no property is liquors of domestic manufacture, in bank notes wheels, or with wide wheels or narrow wheels or in oxen, as I am informed the Legislature o questions the existence of this power in the States. It is exercised by them every day. Deny it to them, and they are deprived of one of their most important functions. What power but that of the people of the several States can decide what shall be treated as property within their respective jurisdictions? Shall the Federal Government exercise this power? If so, whence is it derived? Does the Constitution declare what is property in New York or Pennsylvania? If so what becomes of the police powers of the States

and recognised as property exists in the sever States, each for itself, and nowhere else. Chairman, notwithstanding these and other objections on the part of the true friend of self-government and of the Constitution, the Nebraska bill became a law, and the Missour Compromise was abrogated and destroyed. To opponents of Slavery extension were beaten, their responsibilities to the Territories, to by all Presidents, Cabinets, and Congresses—during a period of sixty years; and had many times and often, and with great earnestness, been propounded as the true doctrine, even by those who were then laboring so zealously for its overthrow; and particularly did they remember that the Supreme Court of the United States, while the great and guiding mind of Marshall presided over its deliberations, had decided specifically, in the leading case of the American and Ocean Insurance Company vs. Canter, (1 party, you have passed this act for the avoidable of the cause of human nature, with some country, and to the cause of human nature, with the defeat. An opportunity of the united been country, and to the cause of human nature, with this defeat. An opportunity of the unit of the cause of human nature, with this defeat. An opportunity of the unit of the cause of human nature, was some times and often, and with great earnestness, been propounded as the true doctrine, even by those with this defeat. An opportunity of the unit of the cause of human nature, was some times and often, and with great earnestness, been propounded as the true doctrine, even by those who ought to know, to be the said and violence over their heads, and was sent for them which they would abhor and detest, I we will have a state for them which they would abhor and detest. I we which they would abhor and detest, I we will have a state for them which they would country, and to the cause of human nature,

to then-we fear that some of your num er are determined that they shall not do so unless they decide in a particular way. To you, the refore, who really believed in what you called opular sovereignty, and who in good faith prome ed the passage of this law for the reasons when he you urged with so much earnestness and persistency, we lock to take care that what you alleged it were its greating objects, shall be faithfully carried out; and as the best, and its all that we can now the we pleader ourselves to get with your leader our leader o do, we pledge ourselves to act with you if you will parmit it, and, if not, to act without you, in honest purpose, to secure to the people new communities an opportunity to Slavery therefrom if they shall so desir

Slavely therefrom it they shall so desir. You were gledged to protect them in the ex, cise of this grant, or right, if you please to cal! the solid so keep them?

It is not necessary for my present purp se that should recall to your notice the opera ons of the "Border Ruffians" in Kansas in 185, when Delegate was first sent to this House fr m that

ferritary, chosen by the votes of some to give or fourteen hundred non-residents, men who and no better right to vote there than you had; 1855, when a Legislature was imposed upon the territory by citizens of Missouri and other slave States, who, so the number of more than for thousand eight hundred in redding the conditions of the states. sand eight hundred, invaded it, and clair ed and exercised the privilege of voting, and of their votes elected a large majority, if not all of the men, bers of that body; in 1856, a year tained by the record of crimes and atrocities a that nhappy Territory, so monstrous and so range, that hastory will set it apart, for its bad en nence, from all other years in the roll of many generations. But I will come down to the present y ar, and to what has transpired under the admini gration of Mrs Buchanan. And, sir, I regret to y that I am compelled to believe that this Adn nistration has never intended that the people Kansas should be permitted to decide for the selves in respect to the question of Slavery. At the same time that I say this, in deepest sorr w, and because I must say it if I speak the tru i, I re-

poice with exceeding joy in the manifest jon, in influential quarters, of a fixed and uncha geable purpose to see that what were urged as the true principles of the Nebraska bill shall be repected and carried out at all hazards.

But to return to the Administration. I have said, in effect, that I do not believe that Se Administration ever intended that Kansas should be a free State, let the wishes of her people be what they might. And for this belief I pared to give my reasons. Men and tovern-ments are to be known by their actions, rather than by their professions. Soon after the inau-guration of Mr. Buchanan, the question "who hall hold the offices for and in Kansas? claim

d the attention of the Administration. r overnor Geary, who, it was understood, was i of Popular Sovereignty, so called, intimade, it is said, his willingness to continue in o ice as Governor, if he could be allowed to emboy all the proper means necessary to protect the people in the exercise of their rights. But no; Us was n the exercise of their rights. But he, denoted to be thought of; and a distinguished entleman from Mississippi, in whom, from his redence in the South, and his known views up n the subject of Slavery, it was supposed, no doubt, that full confidence might be reposed by the Propagandists, was appointed in the pace of Governor Geary. For the subordinate occasion the Territory the most extreme and no prious Pro-Slavery men were selected—in some astan-Pro-S avery men were selected in control as and ces, men who had been most unscrupule as and ces, men who is affects to defeat the popular will; violent in their efforts to defeat the popu even then who had been the leading smalts in those deeds of inhumanity and blasphem; which made the land shudder, and whose arm; were

red to the shoulders with the blood of the mur-

It is true the Administration promi d th

ered victims.

people of Kansas that they should have a hon-est voye at their elections. How has this romise been suffilled? To say nothing of the election of members of the Constitutional Conven on, to which I shall have occasion to allude he eafter, let me call your attention to the election of members of the Territorial Legislature. Whe it had een demonstrated to the satisfaction of the Governor and Secretary of Kansas that the m st pal-McGee and Johnson count ea, by which e maority of the Legislature would be given to the Slave State men-frauds so patent that to Presdent himself did not doubt their exister e, and the Governor and Secretary, as fair me could not help rejecting the votes returned rough these frauds, whereby the Free-State m a were placed in the minority in the Legislatur, what did the President do? Approve and commend the course of Governor Walker and So retary Stanton in performing their duty, and see ag that the right of the people to govern themse res, so far au delegated by the organic act, 14s not destroyed by fraud? No; but if all ru aor be correct, he had for them nothing but from as and reproaches. Now, if Governor Walker h 4 been more faithful to the Administration, and 1 as true to the people and his own promises, and had given certificates to the Pro-Slavery clain ants in Johnson and McGee, it would not have I en difficult, under the forms and pretences of an adherence to the doctrine of popular sove signty, to have brought Kansas into the Union at a slave lost, and even the pretexts of popular sov were as good as dismissed forever.

I now come to a consideration of the pcompton Constitution and the President's pssage.

The Constitution of the United States povides that Congress may admit new States to the Union. The language used implies the cercise of a discretion in Congress; it ought to be, no doubt, a wise, honest, just discretion. understand from the Constitution, or 1 m the practice of Congress, that any particular form of application is necessary. Whenever the ments and consciences of senators and sentatives are satisfied that the people can Territory having a sufficient population des e to be a republican form of government, and wh no injustice to other States, which contains nothing immoral, indecent, or greatly wrong is the duty of Congress to grant the prayer of their

ot provide for a republican form of gove if it contains provisions which are more in-unjust to other States; if its provision are in-decest and immoral, although they may not be regarded as strictly inconsistent with the republican form of government; or if | e mempers of Congress believe, and from the didence bers of Congress believe, and from the cidence must believe, that it is not in accordance with the wishes of a majority of the people if they know, as well as such things can be known, that the majority of the people are opposed it, and would vote against it if they had a chance, it is their duty to vote against the admission of a State under such circumstances. I show do it. I will not vote to drag a people into the Union against their will, if I know their will, at 1 under a Constitution which is not theirs. I have no Constitution which is not theirs. I ave no right to do so. In thus voting, I would ; use the

power vested in me as mich as I shald if I were to vote against the admission of a State which should present a pritton for a mission accompanied by a just and republican positiution, and should have the pest reason of know that it was the wish of the great major, of the people that she should be a limited.

I chall not look to forms, and technical hes, but to the substance, in such cases. I wald not to the substance, in such cases. I would not consider an enabling act b. Congress, to an act of the Territorial Legislat re, necessa in any case to authorize the people to ask for mission as a State. Should a Territory having the requisite population desire admission as a State, and a respectable number of har citizens is, e a call for an election at which the judgment or the people could be taken whether they would have a State Government, and it should be take to appear to my mind that a majority of the people desired the formation of such a Government, and should these people provide for an election of delegates to a Convention to form a Condition, and elections be held under such call and the people vote thereat and elect delegates, and these meet in Convention and frame a properation. The people was a clear majority of thom it should be ratified, and I should perceive that all the ges were all the honestly and in good faith, can the ebethe stightest doubt that it would be both my right for an election at which the judgment of the peost ghtest doubt that it would be both my right a d duty, under such circumstances, t vote for har admission as a State? On the ot er hand, athority of forty enabling sets or Territ rial acts, and the evidence should be of such ch. acter as

enforce the conviction that the pople had sion under it; that is had been e rried by

And now, sir, how is it with this Lecompton | State that was submitted for the consideration of the Conven-Constitution? Let us see whether, in the action of the Convention which formed it, and of the President subsequent to its formation, we have no evidence in confirmation of the opinion I have had the honor to express in respect to the designs of the Federal Executive; and also let us observe how sadly the expectations of the real friends of popular sovereignty must have been disappointed in the Administration, which could not have had an existence but for their almost

superhuman exertions.

Let us consider, in the first place, as to the constitution of this Lecompton Convention. The President and his friends contend that it was fairly constituted, and fairly represents the people, and the whole power residing in the people; and, therefore, that it was unnecessary o submit their work-to wit, the Constitution which they had framed-to them, for their ratification or rejection. He says the law for its constitution "was, in the main, fair and just; and it is to be regretted that all the qualified electors had not registered themselves, and

under its provisions." Sir, what are the facts? In answer to this question, I will produce no uncertain testimony; and, in the main, will rely upon witnesses whom the President is estopped to impeach, and whose testimony was in his possession when he made the statement which I have quoted. Let us see what Governor Walker says upon this point, in his recent letter to the President:

us see what Governor Walker says upon this point, in his recent letter to the President:

"That [the Lecompton] Convention had vital, not technical defect, in the very substance of its organization under the Territorial law, which could only be cured, in my judgment—as set forth in my insuguesl and other addresses—by the submission of the Constitution for ratification or rejection by the people. On reference to the Territorial law under which the Convention was assembled thirty-four regularly-organized counties were named as election districts for delegates to the Convention. In each and all of these counties it was required by law that a census should be taken, and the voters registered; and when this was completed, the delegates to the Convention should be apportioned accordingly. In nineteen of these counties there was no census, and therefore there could be no such apportionment there of delegates based upon such census. And in fificen of these counties there was no registry of voters.

"These fifteen counties, including many of the oldest organized counties in the Territory, were entirely disfranchised, and did not give, and (by no fault of their own) could not give, as oblitary one for delegates to the Convention." \* \* "Nor could it be said these counties acquiesced; for, wherever they endeavored by a subsequent census or registry of their own to supply this defect, occasioned by the previous neglect of the Territorial officers, the delegates thus chosen were rejected by the Convention.

"I repeat, that in nineteen counties out of thirty-four, there was no registry; and not a solitary vote was given or tould be given for delegates to the Convention any one of these counties. Surely, then, it cannot be said that such a Convention, chosen by searcely more than one-tenth of the present voters in Kansas, represented the people of that Territory, and could rightfully impose a Constitution upon them without their consent."

The failure to vote, says Governor Walker, who knows what he says, and proves it, was "n

who knows what he says, and proves it, was "no ault of their own." Again, in fifteen counties not a "solitary vote could be given;" yet the President regrets that the qualified voters had not registered themselves and voted! Upon this point, Secretary Stanton, who is no Free State man or Republican, but a Pro-Slavery

Democrat, as he himself has told us, says: "The census therein provided for was imperfectly of "The census therein provided for was imperfectly of tained from an unwilling people in nineteen counties of the Territory; while in the remaining counties, being als nineteen in number, from various causes, no attempt was made to comply with the law. In some instances, people and officers were alike averse to the proceedings; in others, the officers neglected or refused to act; and in some there was but a small population and no efficient organ zation, enabling the people to secure a representation.

There was no remedy whatever for these me who had not been registered, as was proved by actual trial. The case is not left to conjecture, but stands on evidence; and here it is, in the memorial and protest of the people of Anderson county, Kansus, which I hold in my hand, and

which I hope you will all read. Mr. Chairman, thus it appears conclusively and from authority which cannot be disputed that the people of fifteen at least of the thirty our counties in the Territory were not and coul not be represented in the Convention. Nearly one-half of the people in the Territory were de prived of the right of being heard in the choice delegates who were to exercise the highest powers of sovereignty. In one county in which here was no registry, the people did all they ould to be represented in the Convention. They held a meeting, at which they voted and elected delegates. That these delegates were the choice of the people of the county, and were elected the case would permit, and that the county was entitled by its population to two delegates, are facts which do not seem to have been disputed. Yet these delegates were not received. If they nad been, the whole action of the Convention might have been reversed. The Constitution was adopted, if I am not misinformed, by a ma jority of only two votes. If the Anderson delethe people of Kansas as any two members of th Convention, had been allowed to vote, the Constitution would have been rejected. They were not permitted to vote; the Constitution was adopted, and is claimed to have been the sovereign act of the people. It was no such thing The Lecompton Convention did not represent th sovereignty of the people, for it did not emanate the people; therefore the Constitution should have been submitted to them in such nanner that, if they did not want it, they could

But this has not been done. Let us place ou selves where the people of Kansas were on the 21st day of December, and we shall find that they cannot vote upon the Constitution made by that Convention at all. Nine out of every ten of them may dislike it; they may object seriously. and upon principle, to many of its provisions they may not like the power to establish a mam moth bank; or they may wish to reserve to the Legislature the power to grant divorces, although I think it would be unwise to do so; (but it is their business, and they have a right to be heard on it;) they may object to give to Johnson county with two thousand; they may desire to be permi full term of twenty years. But, under the Le-compton schedule, they have no opportunity to vote on any of these questions, or to say that rather than have the Constitution as it is, they will have none. The Convention only permits them to say whether slaves may hereafter

taken into the State or not. The President and his friends in the Senate tion of Slavery should be submitted to the peo-ple. But even this has not been done. The people are not to say whether they will have Slavery or not, but only in what way they will of supply; or, in other words, they are to be allowed to say whether or not they will give to the business of slave-breeding, within the State, the advantage of absolute protection against foreign competition. Vote any way the people can, and Slavery is fixed in the State, and foreign competition. ever, or until the Constitution shall be over thrown by a revolution. The increase of the slaves in Kansas are protected by the "Constitution with no Slavery," and there is no provision by which, under the Constitution, an changes can be made, hereafter, to affect the condition of the slaves now within the Territory, and their descendants. Not only till 1864, but to the end of time, is the existence of Slavery secured by this Constitution. Though the "Con stitution with no Slavery" be adopted, it will be with the condition "that the right of property in slaves, now in this Territory, shall in no mame be interfered with;" and as it respects the future, under this Constitution, it is provided that, after 1864, when the Constitution may be altered in all other respects, "no alteration shall be made to affect the rights of property in the ownership of slaves." Thus the people are to be bound, hand and foot, and a few interlopers and niscreants, assembled at Lecompton, in 1857, will control the millions of people who are to inhibit that broad and beautiful land, for ages and ages.

And this is Democracy of Slavery! This kind of Democracy-not that of Vashington and Jefferson—is fast disappearing from our section of the country. Men in the free North cannot stand it. They are so much alamed by its doctrines, that they will not only repudiate it for the present and future, but be anxious to prove that they never had anything to do with it their lives long. This Democracy of Slavery will hereafter be in use only as a warning or a fright, and will operate as effectually to preserve our public domain against the ravages of Slavery as the scarecrow set up last summer by one of our down-east farmers did, to protect his cornfield against the depredations of the crows. It was so hideous and terrible, that it not only

kept the crows off this year, but frightened them so badly that they brought back the corn they stole last Sir, the "Constitution with no Slavery" held, by those who ought to know, to be the best form of a Pro-Slavery Constitution. See what is said by a correspondent of the Jackson Mississipian, writing from Lecompton, on the 27th

Pet., s. 511,) that Congress had full, plenary, and exclusive legislative power over the Territories; and let me remark that they will not tories to decide for themselves in reference to the admission of Kausas as a State under it liscretion for just such cases, and calls apon you tories to decide for themselves in reference to tories; and let me remark that they will not

tion. In addition to what I have stated, it embraces a provision continuing in force all existing laws of the Territory until repealed by the Legislature of the State to be elected under the provisions of this Constitution."

The Charleston Mercury entertains similar opinions, as will be seen by the following:

opinions, as will be seen by the following:

"We are equally eatisfied with the action of the Convention. We differ, too, with the President, as to what is submitted to the vote of the people. We do not think that the question of Slavery or no Slavery is submitted to the vote of the people. Whather the clause in the Constitution is voted out or voted in, Slavery exists and has a guarantee in the Constitution that it shall not be interfered with; whilst, if the Slavery party in Kansas can keep or get the majority of the Legislaure, they may open wide the door for the imm gration of slaves. But this, also, is a small matter of difference with the President."

Mr. Chairman, not only are the people of the Torritory denrived of the right of varing against

Perritory deprived of the right of voting against the Constitution, and defeating it altogether; not only are they denied the privilege of voting for a Constitution which prohibits Slavery, but the Free State men, who are admitted to compos an overwhelming majority, have no opportunity allowed them to choose between the two Pro-Slavery forms which were submitted. Their right even to make this choice is dependent on the performance of a condition which, it mus have been well known, they cannot do other wise than reject. Section nine of the schedule provides as fol

"Any person offering to vote at the aforesaid election upon said Constitution, shall, if challenged, take an oath to support the Constitution of the United States, and a support this Constitution of adopted, under the penalties of perjury under the Territorial laws,"

Now, sir, under this schedule, the voter knows when he offers his ballot that the Constitution with Slavery may be adopted. He not only has the right to assume, but he does and must as-sume, that it will be. In this case, may is equivalent to must. He must be prepared to say and swear that he will support the Constitution in whichever of the two forms proposed it may be adopted. Suppose it to be accepted "with Slavery"—as in fact it has been—and one of its sections will read in these words:

"The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave such slave and its increase is the same, and as involable che right of the owner of any property uchatever."

Thus the citizen who offers his ballot may be equired, before he can deposit it, to swear that he will support and maintain, as a great funda-mental truth, as one of the axioms of government, the proposition that the right to hold human beings in Slavery is before and higher than any constitutional sanction; or, in other words, in founded in absolute and eternal justice. All this he must swear, or he cannot vote. It is not enough that he should make oath that he is of lawful age; that he is an American citizen; that he has been a resident of the Territory the term required by law, and is in all respects a qualified voter; but he is esteemed unfit to vote concerning the institutions under which he is to live, unless he will recognise, by an appeal to the God of truth, the baldest, bitterest lie that ever blistere

human lips.

Speaking of this system, General Cass said,
his Nebraska speech:

"Slavery is, in my opinion, as I have said more that once before in the Senate, and I have no doubt, unac ceptably to many, a great evil, social and political."

Henry Clay declared that it could never be de-"so long as the light of reason and the love of liberty remained among men." To the mind of Daniel Webster it was a thing "ac-Thomas Jefferson denounced the traffic pon which it was founded as "PIRACY" and THE OPPROBRIUM OF INFIDEL POWERS." Lord Brougham has characterized its fundamental idea as a "wild and guilty fantasy." John Wesley pronounced it "the sum of all villianies." The great master of the drama, who understood so well all the sides and relations of human life, to whose marvellous insight nothing concerning man was impenetrable, speaks of it as a "curse," and s feeding its victims with "distressful bread; and our blessed Lord and Savjour has condemne t in all the lessons of His life, not less than in he memorable words, "All things whatsoever ye would that men should do unto you, do ye even so to them." But now, in the last half of the ineteenth century, in free democratic America the people are not to be intrusted with the exer cise of one of their dearest rights, until they de lare that they will maintain, protect, and uphol this system, as founded in natural right, so HELP

THEM GOD L

hey should attempt to vote or not, a majority he votes were to be counted and returned the Pro-Slavery side. They knew that the me who had counted twelve hundred votes in Oxford sary. They saw that the army, whose protection had been refused them when they had needed it. would be employed to protect voters from abroad n Oxford, not one hundred of which can be leevidence will be permitted to affect their recep-tion. President Pierce, in his special message of is not the duty of the President of the United States to volunteer interposition by force to pre-serve the purity of elections, either in a State or Territory. To do so, would be subversive of public freedom." Oh, no! the army may not be sed to protect the actual residents and legal oters in 1855 and 1856, who are for free Kansa out is to be paraded around the polls and the venues thereto in 1857, to guard the Missourians, who have come over to the Territory or the neighborly errand of voting a Constitution for its people, which establishes Slavery as an unchangeable system among them.

And, sir, the Free State men of Kansas mus

Mr. Chairman, the "Constitution with Slavery" was accepted on the 21st of December, by he vote of a meager minority of the actual relents of Kansas. It is to be the organic, fundanental law of that State, unchangeable forever in respect to Slavery, as appears from a provisio again—it is in the section (fourteen) of the schedule which refers to the future amendment of the Constitution, and is as follows: "But no alteration shall be made to affect the rights of property in the ownership of slaves." In no way but by provisions of this Constitution, and should a movement of this kind be resorted to by fourfifths of the people, the President stands ready with the army of the United States to crush in and those who participate in it.

That the people might have voted on the 21st of December, and prevented the adoption of this Constitution, is, as I have shown, a palpable and vital error. But, let me repeat, the Free State men, who are admitted on all hands, even by in the majority, were excluded from the ballot-box by the oath which I have read; for they could not take that oath and be Free State men. But i no such oath had been interposed, how would the case have stood? The election was under and McGee frauds, and those who had procured or connived at the voting of Missourians in pre vious elections; and the Administration at Washington had, by its rebuke of Governor Walker and Secretary Stanton, for their rejection of false and fraudulent returns, intimated in the most unequivocal manner, that any measures necessary to carry the points of the Propa gandists would be approved, or, at least, winked at. And besides, even if the election had been committed to the supervision of just and impar-tial men, who would have received and counter all legal votes, and no others, there would nevertheless, have been no opportunity for a vote against the Constitution, nor whether Slavery should or should not exist in the new State The people were only permitted to say from what sources the future supplies of slaves should Sir, with this plain and truthful statement

which defies contradiction, what an insult is it to the intelligence of this country, what a cruel mockery to the abused people of Kansas, for the President and his masters to declare that the dreadful responsibility of making Kansas a slave State, if such it shall be, rests with the Free State men of that Territory!

THE INDIAN MUTINIES-THRILLING AC-A letter dated Calcutta, October 8, gives the following thrilling account of the relief of the

besieged at Lucknow:

I give you the following account of the relief of Lucknow, as described by a lady, one of the rescued party: On every side, death stared us in the face; no human skill could avert it any longer. We saw the moment approach when we must bid farewell to earth, yet without feeling that unutterable horror which must have been experienced by the unhappy victims at Campore. We were resolved rather to die than to yield, and were fully persuaded that in twenty-four hours all would be over. The engineers had said so, and all knew the worst. We women strove to encourage each other, and We women strove to encourage each other, and to perform the light duties which had been assigned to us, such as conveying orders to the batteries, and supplying the men with provisions, especially cups of coffee, which we prepared day and night. I had gone out to try and make myself useful, in company with Jessary to the processes of preparation; our navi-

last iew days. A constant fever consumed her, and her mind wandered occasionally, especially that day, when the recollections of home seen ed powerfully present to her. At last, over-come with fatigue, she lay down on the ground, wrapped up in her plaid. I sat beside her, promising to awaken her when, as she said, "her father should return frrm the plowing." She fell at length into a profound alumber, mo tionless, and apparently breathless-her head resting in my lap. I, myself, could no longer resist the inclination to sleep, in spite of the continual roar of the cannon. Suddenly I was aroused by a wild, usearthly scream close to my ear; my companion stood upright beside me, her arms raised, and her head bent forward in the attitude of listening A look of intense delight broke over her countenance; she grasped my hand, drew me towards her, and exclaimed: "Dinna ye hear it? dinna ye hear it? Ay, I'm no dreamin'; it's the slogan o' the Highlanders! We're saved! we're saved!" Then, flinging herself on her knees, she thank-ed God with passionate fervor. I felt utterly bewildered; my English ears heard only the roar of artillery, and I thought my poor Jessie was still raying, but she darted to the batteries, and I heard her cry incessantly to the men: "Courage! courage! hark to the slogan—to

the soldiers would be impossible. For a mo-ment they ceased firing, and every soul listened in intense anxiety. Gradually, however, there arose a murmur of bitter disappointment, and the wailing of the women who had flocked to the spot burst cut anew as the colonel shook his head. Our dull lowland ears heard nothing but the rattle of the musketry. A few moments more of this death-like suspense, o this agonizing hope, and Jessie, who had sunk on the ground, sprang to her feet, and cried, in a voice so clear and pierting that it was heard along the whole line—" will ye no believe it noo? The slogan has ceased indeed, but the Campbells are comin'! D'ye hear? d'ye hear?" At the moment we seemed indeed to hear the voice of God in the distance, when the pibroch of the Highlanders brought us tidings of deliverance, for now there was no longer any doubt of the fact. That shrill, penetrating, ceaseless sound, which rose above all other sounds, could come neither from the advance of the enemy, nor from the work of the sappers. No, it was indeed the blast of the Scot-tish bagpipes, now shrill and harsh, as threatening vengeance on the foe; then in softer tones seeming to promise succor to their friends in need. Never, surely, was there such a scene as that which followed. Not a hear in the residency of Lucknow but bowed itself before God. All by one simultaneous impulse fell upon their knees, and nothing was heard but burst ing sobs and the murmured voice of prayer. Then all arose, and there rangout from a thou sand lips a great shout of joy, which resounded far and wide, and lent new vigor to that blessed pibroch. To our cheer of "God save the Queen," they replied by the well-known strain that moves every Scot to tears, "Should auld acquaintance be forgot," &c. After that, nothing else made any impression on me. I scarcely remember what followed. Jessie was present-ed to the General on his entrance into the fort, and at the officers' banquet her health was drunk by all present, while the pipers marched around he table, playing once more the familiar air of

"Auld lang syne."
Our readers, however, will remember, that since Lucknow was relieved by General Have-lock, the Sepoy force, from 50,000 to 70,000 strong, had again surrounded the residency, and at later dates were threatening the gal lant Havelock and his little army with destruction. Sir Colin Campbell, at the head of 20,000 men, was, however, quickly addvancing to the

## For the National Era WHY ARE WE NOT A MANUFACTURING PEOPLE ?

portant one. There are certain laws which overn the direction of productive power. How ar any people conform in their circumstances to the conditions of success in any particular pursuit, can only be determined by the experinent of interested capitalists, under the test of competition. This is the essential principle non which the doctrine of perfect freedom in commercial transactions is founded. In America, great branches of manufacturing interest have been submitted to this test, and have been found wanting in the power of self-support. Even under the protection of partial restrictions, it has been impossible to make investments of capital, and expenditures of labor, in these pursuits, safe and profitable. Others, without encouragement from Government or foreign support, have remunerated all outlays; and, firmly established in their power to supply a want of the consumer to his advantage, for the consumer pays the bonus in all case of protection,) they have grown to proportions well worthy of our industry and skill. In examining such cases, we find, as a matter of course, that they are peculiarly adapted to the physical circumstances or mental capacities of our people. It is wise to conclude that such is not the case in those branches whose failure has reflected so little honor on the policy of legislation which encourages the direction capital to unprofitable employments. While there has been much general discussion concerning the respective advantages of different branches of industry among economists—which discussion is fruitless, as all are equally neces sary, all under favorable circumstances and healthy legislation profitable, and as the inter-ests of each people will vary with, and be de-termined by, its relative adaptation to them there has not been much inquiry as to the pe culiar physical circumstances of the United States, and the cause of our inefficiency in important branches of production. We will at tempt to point out the simple law which gov erns the direction of national labor—the object of national industry. A very much greater part of the labor of the world must be expendd in agriculture than in manufacturing, for ture is never submitted to the labor of the manufacturer; and in the case of those which are, the operations by which they are adapted to the wants of the consumer, give more opportunity for mechanical invention and skill of hand. There fore, much more of the productive power of the world is required in producing the raw material than in preparing and presenting it. Such being the case, agriculture becomes the general rule; manufacturing the exception. Those nations will manufacture, which are forced to it by the wants of their people; (for a crowded population inevitably leads to manufacturing nasmuch as, when all lands are occupied, and the power of the soil is fully employed, their numbers press upon the means of support which their limited agricultural capacities of ford.) Those nations also will manufacture, which have peculiar facilities for it, over those which they have for agriculture and commerce. and over the manufacturing power of other countries. In the first case, the necessities of labor reduce its price to the lowest point conlabor reduce its price to the lowest point con-sistent with its physical maintenance—thus af-fording a qualification for that species of indus-try, which renders success almost certain. In the second case, natural advantages of territo-ry and production inevitably direct capital and labor into that channel. Those nations, then, will constitute the exception, and supply the demand for manufacturing industry. Therefore, there will never be any tendency in a nation's industrial power to leave agriculture first means of national support—until its capacities for production in that branch are fully improved, and its powers fully developed. Those nations will attend to agriculture which have nations will attend to agriculture which have any adaptation to it—which approach, in any great measure, the conditions of its success.

Such we believe to be the law which govern the direction of national industry. It is sim-

ple and plain. Let us see how the rule applies to the physical condition of the United States. We have no pauper labor to compel us to manufacture, and thus enable us to manufac-

ture as cheaply as nations whose people are bound to the wheel and loom. Our territory

is not yet occupied, our power of agricultural production not yet developed. This country can produce; therefore, it will not greatly pre-

pare for consumption. It is true, that this country has got facilities for manufacturing +

seige, and had fallen away visibly within the Suppose that we have (as may be true) 15 or 20 per cent. advantage—real, natural advantage; we mean, throwing out of consideration our folly in raising the price of labor by blowing wind into our currency—in the production of iron; we have 30 to 50 per cent, advantage in producing wheat. Our great and peculiar adaptation to it will be seen in the fact, that extension of agricultural production with us is not obtained only by further improvements on old lands, (as is generally the case in Europe,) but by occupation of new lands. That is, Nature (whose protection of peculiar branches of industry by peculiar gifts of soil, climate, and waters, should ever be regarded, since by following her lead, only, can the greatest production be secured) has imposed a tariff in favor of our agricultural interest of from one to five hundred dollars per acre, which is the price of such land, in Europe, as can here be obtained for nothing. Another reason for our want of suc-cess is found in the currency of the country, which alternately expands and contracts, but ever inflates the price of labor, while its ruinous revulsions destroy nearly all manufacturers who take the risks of business credit—and who does not? These reasons seem to us to account for our inability to compete, with full success with other nations, even in our own markets, We can see no other reasons. The ingenuity the Macgregor, the grandest o' them a'. Here's of our people is proverbial, our natural resources are abundant. These require no greater To describe the effect of these words upon outlays of capital than other branches of production which are successful; the common labor requires no long and difficult apprenticeship; yet the history of certain branches of the manufacturing interest has been a record of disappointment and failure. The spasmodic efforts of our Government have not succeeded in placing them on a firm and reliable basis.

F. A. W. North Bloomfield, Mass., Jan. 16, 1858.

Don't Worky .- When Bulstrode Whitelock was embarked as Cromwell's envoy to Sweden, n 1653, he was much disturbed in mind as he rested in Harwich on the preceding night, which was very stormy, while he reflected on the distracted state of the nation. It happened that a confidential servant slept in an adjacent bed, who, finding that his master could not sleep,

" Pray, sir, will you give me leave to ask you question? " Certainly."

"Pray, sir, don't you think God governed the world very well before you came into it?"
"Undoubtedy."

" And pray, sir, don't you think that He will overn it as well when you are gone out of it?" "Then, sir, pray excuse me, but don't you

think you may as well trust him to govern it as long as you live?"
To this question Whitelock had nothing to reply; but turning about, soon feil asleep, till he was sommoned to embark.

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